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APPLICATION NO.	ON NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,432	01/15/2002		Charles W. Monagle	CEN0015-01	6080
832	7590	03/25/2003			
BAKER & I			EXAMINER		
111 E. WAY? SUITE 800	NE STRE	ET	COE, SUSAN D		
FORT WAYNE, IN 46802				ART UNIT	PAPER NUMBER
				1654	
				DATE MAILED: 03/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	•	Application No.	Applicant(s)				
		10/050,432	MONAGLE ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Susan Coe	1654				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SH THE - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATIOnsions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication a period for reply specified above is less than thirty (30) days, and period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by streply received by the Office later than three months after the median patent term adjustment. See 37 CFR 1.704(b).	DN. R 1.136(a). In no event, however, may n. a reply within the statutory minimum of t eriod will apply and will expire SIX (6) Mi tatute, cause the application to become	a reply be timely filed nirty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
1)[Responsive to communication(s) filed on	·					
2a) <u></u> □	This action is FINAL . 2b)	This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims						
•	Claim(s) 1-21 is/are pending in the applica						
	4a) Of the above claim(s) is/are with	drawn from consideration.					
	Claim(s) is/are allowed.						
	Claim(s) is/are rejected.						
·	Claim(s) is/are objected to.						
8) Claim(s) 1-21 are subject to restriction and/or election requirement.							
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
•	☐ All b)☐ Some * c)☐ None of:						
ŕ	1. Certified copies of the priority docum	nents have been received.					
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachmen	_		33				
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948 mation Disclosure Statement(s) (PTO-1449) Paper No	5) Notice	w Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152)				

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DETAILED ACTION

1. The preliminary amendment filed April 30, 2002 has been received and entered.

2. Claims 1-21 are currently pending.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1-12 and 17-21, drawn to a vegetable protein composition, classified in class 426, subclass 573.

II. Claims 13-16, drawn to a process for making a vegetable protein composition, classified in class 426, subclass 507.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made in a different manner, such as creating the product by extracting with different pH values from those claimed.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Coe whose telephone number is (703) 306-5823. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30 and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (703) 306-3220. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Susan Coe, Examiner March 19, 2003

LEON B. LANKFORD, JR. PRIMABY EXAMINER

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